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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,074	06/25/2003	Robert S. Weiner	04615-0100 33,213	4253

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EXAMINER
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STAICOVICI, STEFAN

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/606,074

Applicant(s)

WEINER, ROBERT S.

Examiner

Stefan Staicovici

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/25/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 15 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Weiner *et al.* (US Patent No. 6,696,004 B1).

Weiner *et al.* ('004) teach the claimed process for making a vinyl sheet product including, placing a first vinyl layer onto a conveyor (20), imbedding a decorative article (mesh) (26) into said vinyl layer and curing said vinyl layer to form said vinyl sheet (see col. 7, lines 15-63). Further, Weiner *et al.* ('004) teach a metallic mesh (see col. 1, line 31) and a moving imbedder (28) (see Figure 7).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner *et al.* (US Patent No. 6,696,004 B1).

Weiner *et al.* ('004) teach the basic claimed process for making a vinyl sheet product including, placing a first vinyl layer onto a conveyor (20), imbedding a decorative article (mesh) (26) into said vinyl layer and curing said vinyl layer to form said vinyl sheet (see col. 7, lines 15-63). Further, Weiner *et al.* ('004) teach a metallic mesh (see col. 1, line 31) and a moving imbedder (28) (see Figure 7).

Regarding claim 1, although Weiner *et al.* ('004) teaches the resulting laminate structure, Weiner *et al.* ('004) does not teach the claimed order of the process steps. However, whether the decorative mesh is placed first on the conveyor and then the vinyl layer is applied or vice versa is obvious one over the other without any other evidence of unexpected results. Therefore, it would have been obvious for one of ordinary skill in the art to have reversed the order in the process of Weiner *et al.* ('004) due to a variety of known advantages such as optimum equipment set-up, reduced waste by improved thickness control of the vinyl layer and also because, whether the decorative mesh is placed first on the conveyor and then the vinyl layer is applied or vice versa results in the same laminate structure.

In regard to claim 13, Weiner *et al.* ('004) teach an oven (24) for curing said vinyl laminate (see Figure 7) and then cooling in order to cut said laminate into tiles (see col. 2, lines 24-33).

5. Claims 1-5, 11-12 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner *et al.* (US Patent No. 6,903,033 B1) in view of Weiner *et al.* (US Patent No. 6,696,004 B1).

Weiner *et al.* ('033) teach the basic claimed process for making a vinyl sheet product including, providing a first decorative layer (14), placing a first vinyl layer (28) onto said decorative layer, placing a mesh layer (scrim) (10) acting as a second decorative layer onto said first vinyl layer and then placing a second vinyl layer (26) onto said mesh layer (10) to form a laminate and, curing said laminate to form said vinyl sheet product.

Regarding claims 1-5, 11-12 and 15-18, Weiner *et al.* ('033) do not teach a conveyor system. Weiner *et al.* ('004) teach a process for making a vinyl sheet product including, placing a first vinyl layer onto a conveyor (20), imbedding a decorative article (mesh) (26) into said vinyl layer and curing said vinyl layer to form said vinyl sheet (see col. 7, lines 15-63) on said conveyor. Therefore, it would have been obvious for one of ordinary skill in the art to have provided a conveyor system as taught by Weiner *et al.* ('004) in the process of Weiner *et al.* ('033) because of known advantages that a continuous system provides over a batch system such as improved process control, repeatability and increased productivity, hence reduced costs.

In regard to claim 19, Weiner *et al.* ('033) teach a metallic mesh (10) (see col. 1, line 34).

6. Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner *et al.* (US Patent No. 6,903,033 B1) in view of Weiner *et al.* (US Patent No. 6,696,004 B1) and in further view of Hensler *et al.* (US Patent No. 5,695,696).

Weiner *et al.* ('033) in view of Weiner *et al.* ('004) teach the basic claimed process as described above.

Regarding claims 6-7, Weiner *et al.* ('033) in view of Weiner *et al.* ('004) do not teach a hopper having a plurality of orifices. Hensler *et al.* ('696) teach a process for making a vinyl sheet including, providing a hopper having a plurality of orifices that allows forming a vinyl sheet product having at least two colors (see col. 2, lines 28-52). Therefore, it would have been obvious for one of ordinary skill in the art to have provided a hopper having a plurality of orifices as taught by Hensler *et al.* ('696) in the process of Weiner *et al.* ('033) in view of Weiner *et al.* ('004) because, Hensler *et al.* ('696) teach that such a hopper allows forming a vinyl sheet product having at least two colors, hence providing for an improved product.

In regard to claims 8-9, although Weiner *et al.* ('033) in view of Weiner *et al.* ('004) and in further view of Hensler *et al.* ('696) teach a hopper, Weiner *et al.* ('033) in view of Weiner *et al.* ('004) and in further view of Hensler *et al.* ('696) do not teach a vibrating hopper. However, the use of a vibrating hopper is well known in the art. Hence, it would have been obvious for one of ordinary skill in the art to have provided a vibrating hopper in the process of Weiner *et al.* ('033) in view of Weiner *et al.* ('004) and in further view of Hensler *et al.* ('696) because of known advantages such as a uniform distribution of vinyl material, hence providing for an improved product by having a more precise control of the product thickness.

Specifically regarding claim 10, Weiner *et al.* ('033) in view of Weiner *et al.* ('004) do not teach embossing rollers. Hensler *et al.* ('696) teach a process for making a vinyl sheet including, providing embossing rollers (42, 44) that generate a desired surface texture (see col. 2,

lines 44-50). Therefore, it would have been obvious for one of ordinary skill in the art to have provided embossing rollers as taught by Hensler *et al.* ('696) in the process of Weiner *et al.* ('033) in view of Weiner *et al.* ('004) because, Hensler *et al.* ('696) teach embossing rollers provide a desired texture, hence provide for an improved product.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weiner *et al.* ('033) in view of Weiner *et al.* ('004) and in further view of Suzuki *et al.* (US Patent No. 6,589,631 B1).

Weiner *et al.* ('033) in view of Weiner *et al.* ('004) teach the basic claimed process as described above.

Regarding claims 14, Weiner *et al.* ('033) in view of Weiner *et al.* ('004) do not teach a conveyor belt having a varying texture that is transmitted to said vinyl sheet product. Suzuki *et al.* ('631) teach a process for making vinyl floor covering including using a conveyor texture to transfer a desired pattern to said vinyl floor covering (see col. ). Therefore, it would have been obvious for one of ordinary skill in the art to have provided a conveyor texture as taught by Suzuki *et al.* ('631) in the process of Weiner *et al.* ('033) in view of Weiner *et al.* ('004) because, Suzuki *et al.* ('631) teach that such a texture is transferred to the resulting vinyl floor covering, thereby providing an anti-skid surface, hence providing for an improved product.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Staicovici, Ph.D. whose telephone number is (571) 272-1208. The examiner can normally be reached on Monday-Friday 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni, can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stefan Staicovici, PhD

A handwritten signature in black ink, appearing to read 'Stefan Staicovici', with a date '12/12/05' written to its right.

Primary Examiner

AU 1732

December 12, 2005